

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580



Office of the Secretary

November 15, 2012

Allen J. Moses, DDS  
State of Illinois

Re: *In the Matter of Brain-Pad, Inc., and Joseph Manzo*  
*FTC Matter No. 122 3073, Docket No. C-4375*

Dear Dr. Moses:

Thank you for the comment you submitted on September 7, 2012, regarding the above-referenced matter. Your comment was placed on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

Your comment expresses your opinion that certain mouthguards may help absorb and redistribute impacts to the lower jaw and that such mouthguards may also reduce the risk of chin impact concussions. While the FTC does not dispute that mouthguards shield a person's teeth from being injured and that some can reduce impact to the lower jaw, the existing body of scientific evidence does not demonstrate that wearing a mouthguard prevents or reduces the risk of concussions. Although it may appear plausible to argue that any reduction in skull trauma flowing from reduced impact to the jaw through mouthguard use could result in fewer concussions, there is no evidence to date that supports such a cause and effect relationship.

Further, your comment expresses concern that the consent agreement in this matter effectively bans a manufacturer from claiming that a mouthguard or mouthpiece reduces the risk of chin impact concussions. Instead, the consent agreement, which applies only to Brain-Pad, Inc. and Joseph Manzo, does not prohibit them from claiming, in the future, that their mouthguards reduce the risk of concussion; it simply requires that any such claims be substantiated by competent and reliable scientific evidence.

After considering your comment, along with others received in this matter, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order is enclosed for your information. Relevant materials also are available from the Commission's Website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission, Commissioner Rosch dissenting.

Donald S. Clark  
Secretary